



## Economic Affairs Interim Committee

### 61st Montana Legislature

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March 16, 2010

### Memo

**To: Economic Affairs Committee Members**  
**From: Pat Murdo, Staff**  
**Re: Occupational Licensing Board Issues Requested to be Before the Committee**

#### Board of Outfitters

The issues, requested for review by Sen. Rick Ripley, include two key concerns:

- A revised application form, which includes requirements to verify past licenses held in this state or elsewhere and information on past censure or actions against a license. There have been complaints about the length of the license application and concerns about having to verify information from other states -- particularly a concern that this information may take too long to verify when license applications for outfitters and guides tend to be seasonal and done just before the hunting or fishing seasons. The department notes that application forms are being standardized for all licensing boards, which improves efficiency and job-sharing among staff.
- Emergency guide licenses are no longer being allowed. Apparently in the past the Board of Outfitters allowed outfitters to provide emergency licenses for guides, particularly in cases where a licensed guide was unable to provide the service to an outfitter, leaving the outfitter in the lurch. Because the application process is not as speedy as some outfitters would like, there was a process being allowed by the Board of Outfitters to provide an emergency license. However, the Department of Labor and Industry has said that the provisions available for all professional and occupational licensees under emergency conditions identified in Title 10 (declared emergencies) are the types envisioned for emergencies and that any other licensing that does not go through the board would put the board and the department at risk. The department has said it will try to speed up the licensing procedure because outfitters and guides are concerned that the onslaught of licensing application by a large industry may overwhelm the department at the critical, seasonal times.

#### Board of Dentistry

The issue, requested by Rep. Don Roberts, is that the Board of Dentistry by rule in February approved the Paris Gibson Education Center as a facility where dental hygienists can use a limited access permit to practice. A limited access permit, created by SB 190 in the 2003 legislative session, allows a dental hygienist to provide "limited dental hygiene preventative services" under "public health supervision" without prior authorization or presence of a licensed dentist in a public health facility. The limited access permit, according to 37-4-405, MCA, may

be used for "patients or residents of facilities or programs who, due to age, infirmity, disability, or financial constraints, are unable to receive regular dental care". The board is allowed to identify by rule "other public health facilities and programs" at which a limited access permit may be used. Concerns, as described in comments to the board during the rule-making process, include:

- Dental offices are available near the Paris Gibson Center in Great Falls and that at least 6 of the 10 dentists in a half-mile vicinity of the Center are Medicaid providers, including 3 that are taking new patients. The board's response was that 397-4-405(5)(c) does not limit limited access permit services based on access to dental care or proximity to an office.
- Another commenter said there was no indication that the student population at the Center had difficulty obtaining dental care. The board's response was that "at a minimum, there exists a financial constraint on the young mothers and their children who are the population of the center".
- Another commenter said that schools were intentionally left out of enacting legislation and that the center is a school. The board notes that the statute allows the board to identify other acceptable facilities.